

From: Charles R. Biggs
To: Microsoft ATR
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Subject: Microsoft Settlement

Regarding Microsoft and the proposed settlement;

Microsoft is a monopoly. The District Court found that Microsoft is a monopoly and the Appeals Court agreed. Microsoft is still acting as a monopoly. As an example I offer my purchase of Turbo Tax, which is a program for completing the 1040 tax forms and calculating the amount of tax due. I purchased this program in September 2001 and it was delivered in December. When I loaded the program I was forced to load Microsoft Windows Internet Explorer version 5.5. I had no choice I had to accept this program with the Turbo Tax program. I was given a choice whether or not I wanted to load the latest AOL program. This practice is called "bundling". It was my understanding that Microsoft had been ordered and had agreed to stop this sort of activity. But here it is again and this is typical of Microsoft's monopolistic attitude.

The proposed settlement does nothing to stop Microsoft from continuing this practice. In fact it will damage the market which the Apple Computer Company has developed in the schools. The 12,000, used, rebuilt, computers which Microsoft will give to the nations schools under the settlement will be loaded with the Microsoft operating system plus all of the other Microsoft programs such as Internet access, word processing and spreadsheet. The children using these computers will become accustomed to the Microsoft system, related programs and will in the future be reluctant to switch to other systems or programs. The proposed settlement is a sham and it is my hope that it will be rejected.

Any suggestion that the proposed settlement is "fair and reasonable" is a sham I consider this unfortunate. Microsoft has all most destroyed Netscape an Internet access company which competes with Microsoft's Internet access because it has bundled its access program in with its operating system. This was not necessary and their statements to the contrary in my opinion were false. There were other programs written by other software manufacturers which Microsoft overpowered by bundling such as the Lotus word processing and spread sheet programs. They, in my opinion, did this by making it difficult for someone like me to install these programs and building in quirks which made these competing programs difficult to operate.

To repeat Microsoft is and under the proposed settlement will continue to be a monopoly and the settlement does nothing to punish Microsoft for its past actions and does nothing to keep it from acting as a monopoly in the future. This will damage competition for the development of new operating systems and innovative programs.

I appreciate this opportunity to comment on the proposed settlement.

Charles R. Biggs